

**LOCAL RULES OF PRACTICE OF
THE PUTNAM CIRCUIT AND SUPERIOR COURTS**

Local Rules 1 through 7 Relating to Indiana Rules of Trial Procedure

LR67-TR1-GEN-1 Scope of Rules

Except as otherwise provided, these rules govern the procedure and practice in all cases, including criminal, civil, and juvenile, filed or pending in the Putnam Circuit and Superior Court. These rules are to be read in conjunction with and supplement to the Indiana Rules of Court.

LR67-TR3-GEN-2 Commencement of action/Assignment of Cases

Circuit Court

- Civil
 - o all matters wherein the controversy is in excess of \$10,000.00 or more or when money damages are requested in an unspecified amount
 - o Dissolution of Marriage actions
 - o Mental Health Commitments
 - o Probate
 - o Guardianship
 - o Juvenile
 - o Department of Child Services
- Criminal
 - o Murder
 - o Class A Felony
 - o Class B Felony
 - o Class C Felony, except those filed under Title 9 of the Indiana Code
 - o Battery of Child wherein an accompanying CHINS action is filed

Superior Court

- Civil
 - o all matters wherein the controversy is under \$10,000.00
 - o Small claims
 - o Rent/eviction

- Protective Orders
- Mortgage Foreclosure, Quiet Title, Boundary Line Disputes and other matters involving title to real estate
- Actions filed by Jail or Penal institution inmates
- Criminal
 - All infractions, ordinance violations, misdemeanors and Class D Felonies (except battery of a child with an accompanying CHINS action)
 - Class C Felonies filed under Title 9

LR67-TR3.1-GEN-3 Appearance of Representation

1. Appearances

Shall be in writing in the state prescribed form.

2. Withdrawal of Appearance by Counsel

(A) Written Motion and Compliance with Trial Rule 3.1: Permission to withdraw an appearance by counsel shall be requested by written motion. Permission to withdraw shall be given only after the petitioning attorney has complied with the requirements of T.R. 3.1(E), including a certification of the last known address and telephone number of the party, subject to the confidentiality requirements of T.R. 3.1.

(B) Motions Filed Prior to the Appearance of Other Counsel: Permission to withdraw shall be given only after the petitioning attorney has given his/her client 10 days written notice of the intent to withdraw. A copy of the written notice shall be attached to the petition to withdraw. The written notice to the client shall explain the possible effects of failure to secure new counsel and shall set forth any hearing or trial dates and any pleading, discovery or other pre-trial deadlines.

(C) Motions Filed Subsequent to the Appearance of Other Counsel: Motions to withdraw an appearance filed subsequent to the proper appearance of other counsel shall constitute a waiver of the requirements of paragraph (B) of this rule.

(D) Criminal Cases; Withdrawal Due to Defendant's Failure to Fulfill an Obligation With Respect to Counsel's Fee: Paragraph (D) of this local rule applies only to

criminal cases and is designed to minimize the inconvenience and delay caused to the parties and court by the withdrawal of counsel shortly before trial due to nonpayment of counsel's fee, while also recognizing the realities faced by counsel and their clients in meeting fee obligations.

The requirements of paragraphs (A), (B) and (C) of this local rule are in addition to the requirements and provisions of I.C. 35-36-8-2 in criminal cases. Absent exceptional circumstances, no attorney in a criminal case should expect permission to withdraw the attorney's appearance based on his or her client's failure to fulfill an obligation with respect to the attorney's fee unless the motion to withdraw is filed at least 120 days prior to any trial setting.

LR67-TR5-GEN-4 Service and filing of pleadings; Court Office Service boxes; Submission of Proposed Orders

1. Service at Service box in Offices of Circuit and Superior Court: Any attorney choosing to use the service slots made available in the offices of the Putnam Circuit or Superior Court shall be considered to have designated that attorney's mail slot as a suitable place for delivery and service of pleadings pursuant to T.R. 5(B)(d).

2. Submission of Proposed Orders: All motions, petitions, and requests for action by the Court must be accompanied by an original proposed order, sufficient copies for each party and person required to receive notice, and an extra copy for the Court. Proposed orders shall include a complete distribution list including all parties, or if represented, their counsel, and all other persons/entities to whom the order should be distributed. All proposed orders shall identify the motion or petition to be ruled on, and, if a hearing is requested, a description of the specific hearing to be set and a statement of the anticipated length of the hearing.

LR67-TR37-GEN-5 Sanctions for Discovery Violations

In all cases in which sanctions are requested, the moving party must, in its motion, set forth with specificity what the alleged violation, what attempts to rectify the situation prior to motion and anything else the moving party believes relevant. The party alleged to commit the violation shall have five (5) days to respond. The court will, at its discretion, either issue its

order without hearing or promptly set a hearing on this matter at which time both counsel shall attend.

LR67-TR53.5-GEN-6 Continuances

1. Written Motions: A motion for continuance, unless made on record during the hearing of the cause or otherwise specifically authorized by the court, shall be in writing and signed. Such motion shall comply in all respects with T.R. 53.5 of the Indiana Rules of Trial Procedure.
2. Scheduling Conflicts: A motion for continuance based on a scheduling conflict with another cause shall specify the Court, the case name, the cause number, the date the hearings or trials in both cases was set, and the type of conflicting hearing or trial.
3. Duty to Confer: Before requesting a continuance, the moving party shall confer with counsel for all other parties and with any parties appearing pro se, to determine any objections and to ascertain dates for rescheduling when all parties are available. Such objections and alternative dates shall be reported in the motion for continuance. If it is the first requested continuance and the opposing counsel does not object, the matter shall be continued. All other requests shall be determined case by case.

LR67-TR73-GEN-7 Telephonic pretrial conferences

In order to expedite the Court's business, and in conjunction with T.R. 73, the Court encourages the use of telephone conferencing for the conducting of pre-trial conferences and for other matters which may be reasonably conducted by use of telephone. Telephone conferences for conducting pre-trial conferences and for other matters may be set at the discretion of the Court upon the Court's own motion or upon request of a party. The requesting/initiating party shall initiate the call unless otherwise by agreement of the parties. The Court shall not initiate the call.

LR67-TR79-CIV-8 Reassignment of Civil and Criminal Cases

Civil

In the event a change of judge is granted in any civil case pending in the Putnam Circuit or Superior Court, and if the parties cannot agree to a specific eligible judge or cannot agree that the judge before whom the case is pending appoint an eligible judge to serve as special judge in the case, then the judge before whom the case is pending shall appoint a panel of three eligible judges pursuant to section (F) of Trial Rule 79, which judges may be from District 7. If a selected special judge does not accept jurisdiction of the case, or upon an order of disqualification or recusal under Trial Rule 79(C), then pursuant to Trial Rule 79 (H) the chief judge of District 7 shall appoint an eligible special judge from District 7, pursuant to rule.

Criminal

The regular sitting judge shall maintain a list of all eligible special judges from District 7 and appoint them sequentially. Eligible special judges shall include regular sitting judges and magistrates from District 7, and may also include Senior Judges, or, when appointment is under TR 79(F), eligible judges from contiguous counties not within District 7, at the discretion of the regular sitting judge.

LR67-TR00-CIV-9 Procedure for Proceedings Supplemental

Unless the participation of the judge in the hearing is specifically requested by the judgment holder or judgment debtor, the hearing on a proceeding supplemental will be conducted informally by the parties, without the presence of the judge. Proceeding supplemental hearings may be conducted in the courtroom, but unless record is requested by any party, the proceeding supplemental hearing will not be on the record. The hearings will be scheduled by the court. Counsel shall inform court staff of the result of the proceeding supplemental.

LR67-GEN00-10 Dress and Conduct

1. Lawyers and litigants shall be appropriately attired during all court appearances.
2. Lawyers, litigants, and spectators shall at all times speak and behave in such a manner as to respect the dignity and authority of the Courts, Judges, Commissioners and

all judicial personnel.

3.No person shall bring food or beverage into any courtroom without the prior approval of the judge, magistrate or commissioner of that court.

4. All cell phones, pagers and any other personal electronic devices shall be turned off during all court proceedings.

LR67-GEN00-11 HEARINGS/TRIALS

(A) Pretrial/Status conferences

1. At any time after the issues are finally closed on the merits of any civil case, any party may request, or the court on its motion may set, a status conference to set deadlines, facilitate discovery, and discuss settlement and alternative dispute resolution of the case.

2. At the pretrial/status conference, all counsel shall be prepared to state:

a. Whether all parties have been correctly designated and properly served;

b. Whether a third-party complaint or impleading petition is contemplated;

c. The time reasonably required for completion of discovery;

d. Whether a jury trial has been timely demanded and if so, whether the parties would contemplate waiver of trial by jury;

e. Whether there are any pending motions and whether dispositive motions are contemplated;

f. Whether a separation of claims, defenses, or issues would be

desirable and if so, whether discovery should be limited to the claims, defenses, or issues being tried first;

g. The prospects of disposing of the case through settlement, mediation, or other methods of alternative dispute -resolution.

3. At the conclusion of the status conference, the court may establish deadlines for disclosure of witnesses and exhibits to be offered at trial, discovery, amendments to the pleadings, dispositive motions, alternate dispute resolution measures, and any other matters to come before the court. The court may thereupon schedule a pretrial conference or a further status conference.

4. Deadlines established at the status conference shall not be extended, except by agreement of the parties and the Court, or for good cause shown.

5. Status conferences may be conducted by telephone if both parties agree. Plaintiff shall initiate unless parties agree otherwise.

6. The court shall issue a pretrial order.

(B) Trial Settings

1. Except for good cause shown, the parties and counsel involved in any civil jury trial set as a "backup" trial shall be prepared to begin the trial when scheduled.

2. All attorneys and all parties appearing pro se shall be responsible for discovering the sequence of cases and shall be prepared to try their cases on the date scheduled.

3. No dispositive motions, including but not limited to motions for summary

judgment, shall be filed later than the date established at the pretrial, without leave of court. Leave of court may be granted or denied with or without hearing, at the option of the court.

Local Rule 12 through 19 are regarding Dissolution of Marriage matters

LR67-FL00-12 Setting of Hearings

A provisional hearing will automatically be scheduled in all dissolutions or Legal Separations involving minor children within thirty (30) days, where possible. The provisional hearings will not be continued save for good cause shown. If there are no minor children, provisional hearings will not be set unless requested by petition.

LR67-FL00-13 Pro Se Filings

All pro se petitions for dissolution (where children are involved) will automatically be referred to Facilitation, and be scheduled with a facilitator as quickly as possible, in order to establish support and visitation guidelines, etc, when necessary.

LR67-FL00-14 Requested Court Time for Hearing

Attorneys shall advise the Court in the text of any preliminary or contempt petition if the matter cannot be heard on the regularly scheduled docket and shall provide an estimate of the time required in the event that more than 15 minutes is necessary.

LR67-FL00-15 Number of Copies

When submitting a Final Decree and Property Settlement, the parties shall

submit sufficient copies of each for the court to retain an original, one file copy of each and provide copies to all counsel of record, including the State of Indiana, if Title IV-D is involved. A total of four (4) copies are to be provided with self-addressed, stamped envelopes for each party. If in fact the Title IV-D Office is involved they must also approve the proposed agreement as to support only and attach its signature.

LR67-FL00-16 Temporary Restraining Orders

Parties may on motion request a restraining order regarding a prohibition against encumbering property or temporary possession of personal property. If requesting a protective order, which would exclude a party from the residence or any other place and enjoining a party from any contact, pursuant to 31-15-4-1, a petition is to be filed under 1C 34-26-5. In an action for dissolution of marriage, separation, or child support, the court may issue a Temporary Restraining Order, without hearing or security, if either party files a verified petition alleging an injury would result to the moving party if no immediate order were issued. See Indiana Trial Rule 65(E)

LR67-FL00-17 Termination of Counsel's Representation in Dissolution of Marriage Actions

1. Unless otherwise indicated by counsel, upon the entry of a final Decree of Dissolution of Marriage, Legal Separation or Paternity, or an order of permanent modification of any

custody, visitation and/or child support order, the representative capacity of all attorneys appearing on behalf of any party shall be deemed terminated upon:

- a. An order of withdrawal granted in accordance with the Local Rules of Practice for the Putnam Circuit and Superior Court; or
 - b. The expiration of time within which an appeal of the Order may be preserved or perfected pursuant to the Indiana Rules of Trial Procedures and/or the Indiana Rules of Appellate Procedure; or
 - c. The conclusion of any appeal of the Order commenced pursuant to Indiana Rules of Trial Procedure and/or the Indiana Rules of Appellate Procedure.
2. Attorneys shall be responsible for providing a statement in the final decree or disposition of any pending matter that all Counsel of record are deemed to have withdrawn pursuant to Local Rule No. _____” in order to authorize the Clerk to withdraw an attorney’s appearance pursuant to this rule.
 3. Counsel for initiating and responding parties shall be required to file a new appearance in any post dissolution action.
 4. The service of any post dissolution pleadings upon any party not represented by counsel pursuant to this local rule shall be made upon that person pursuant to the Indiana Rules of Trial Procedure.
 5. Any copy served upon original counsel will be deemed to be a matter of professional courtesy only.

LR67-FL00-18 Attendance of Helping Children With Divorce Class

The court finds it is in the best interests of minor children of divorcing parents and minor children involved in paternity cases to encourage conciliation and cooperation between the parents, and that attendance of the parents at the Helping Children Divorce class will aid in such cooperation. Therefore, both parents in all dissolution of marriage cases and paternity cases in which there are minor children shall attend the Helping Children With Divorce class. The parents shall pay the costs of the class. The class must be completed prior to the final hearing, and unless otherwise ordered, the court will not conduct the final hearing or grant the Decree of Dissolution of Marriage until the class has been

completed. At the time the action is filed, the Clerk of the Putnam Circuit Court shall provide the parties with contact information to arrange the class.

LR67-FL00-19 Financial Disclosures in Divorce

1. Any party seeking an initial order of child support or spousal maintenance, or modification of an existing order of support or maintenance, shall, at the first hearing on such request, provide the court and any other party with appropriate verification of that party 's current income and childcare expenses.
2. A party seeking an order, which deviates from the Child Support Schedule shall set forth facts supporting the deviation. At or before any hearing on a motion for support or maintenance, the responding party shall file a verified statement showing the party's income and childcare expenses.
3. Both parties shall file and exchange verified financial disclosure statements no later than 45 days after the preliminary hearing.
4. Any party failing to comply with the provisions of subsection 3 above shall be subject to contempt citation, punishable by fine and/or detention. The Court may also impose such other sanctions permitted by statute or rule as it deems appropriate.

67LR-FL00-20 Discovery Limitation

No party shall engage in excessive use of interrogatories, motions for production, or requests for admissions. Each party shall meet with his/her attorney prior to discovery being submitted to opposing counsel/other party in an effort to determine what relevant information needs to be requested.

67LR-FL00-21 Attorney Fees

1. Preliminary attorney fees shall not be awarded unless just cause is shown such as no income by one party or a large disparity in income.
2. Attorney fees may be requested at final hearing.
3. In the absence of contradictory evidence a reasonable attorney fee for

prosecution of a post dissolution rule to show cause shall be a minimum of \$350.00 for one court appearance.

67LR-FL00-22 Decree Provisions for Minor Children cases

Each decree/settlement of dissolution of marriage shall contain the following provision:
“Neither party shall relocate the residence of any minor child of the parties to another state, or to any location within Indiana but more than one hundred (100) miles from Putnam County, without first filing a written notice of the party's intent to relocate and serving a copy of the notice on any other party who has been granted rights of visitation or temporary custody.” Service shall be made through any method authorized by the Indiana Rules of Trial Procedure and shall be completed at least thirty (30) days prior to the intended relocation.

67LR-FL00-23 Contested Custody Cases

No contested custody cases shall be heard without a custody evaluation completed to assist the Court in determining this issue.

67LR-FL00-24 ADR and Facilitation Procedures for Dissolution of Marriage Matters

In addition to all other ADR procedures, Putnam County family law matters such as summary property settlement trials, visitation modifications and disputes, support modifications or computations of support arrearages, and college expense determinations, may be submitted to Alternate Dispute Resolution or the Court’s Facilitation Project under certain circumstances.

Mediators may be selected by the respective parties or by the court if the parties are unable to agree. Anyone interested will submit his/her name to Circuit Court.

LR67-FL00-25 PARENTING-TIME GUIDELINES

1. Except in unusual circumstances, contact between minor children and non-custodial

parents shall be based upon "reasonable visitation with reasonable-notice." "Reasonable visitation" contemplates that parties shall take into consideration their respective schedules, economic circumstances, and geographic locations, as well as the schedules and activities of the minor children. "Reasonable visitation" shall be interpreted not to require any particular pattern of contact, but rather that pattern which best fits the need of the parents and the children at that specific time.

2. Except when otherwise ordered by the Court visitation shall be as set forth in the INDIANA SUPREME COURT PARENTING TIME GUIDELINES AS ADOPTED BY PUTNAM COUNTY.

3. Each Settlement Agreement shall contain language similar to, "each party has received and read a copy of the INDIANA SUPREME COURT PARENTING TIME GUIDELINES AS ADOPTED BY PUTNAM COUNTY." It is the respective counsel's responsibility to provide a copy to the client. Unrepresented parties shall have to certify to the court that he/she has read the Guidelines either in print or online. Counsel, or unrepresented parties, submitting such a form of order or decree are encouraged to reduce the number of pages required to reproduce the Guidelines by using, smaller type, so long as the resulting document remains legible. Using of both sides of each page upon which the Guidelines are printed is also encouraged.

4. The Courts of Putnam County collectively acknowledge that the parenting time guidelines may be changed from time to time. Those Guidelines, which are in effect at the time the a custody visitation order is entered, shall govern the conduct of the parties until modified through order of the appropriate court.

INDIANA SUPREME COURT PARENTING TIME GUIDELINES
AS ADOPTED BY PUTNAM COUNTY

PREAMBLE

The Indiana Parenting Time Guidelines are based on the premise that it is usually in a child's

best interest to- have frequent, meaningful and continuing contact with each parent. It is assumed that both parents nurture their child in important ways, significant to the development and well being of the child. The Guidelines also acknowledge that scheduling parenting time is more difficult when separate households are involved and requires persistent effort and communication between parents to promote the best interest of the children involved. The purpose of these guidelines is to provide a model which may be adjusted depending, upon the unique needs and circumstances of each family. These Guidelines are based upon the developmental stages of children.

A child whose parents live apart has special needs related to the parent-child relationship. A child's needs and ability to cope with the parent's situation change as the child matures. Parents should consider these needs as they negotiate parenting time. They should be flexible and create a parenting time arrangement which addresses the unique needs of the child and their circumstances.

SCOPE OF APPLICATION

1. Generally These Guidelines are applicable to all child custody situations, including paternity cases and cases involving joint legal custody where one person has primary physical custody. However, they are not applicable to situations involving family violence, substance abuse, risk of flight with a child, or any other circumstances the court reasonably believes endanger the child's physical health or safety, or significantly impair the child's emotional development.
2. Presumption There is a presumption that the Indiana Parenting Time Guidelines are applicable in all cases covered by this Guidelines. Any deviation from these Guidelines by either the parties or the court must be accompanied by a written explanation indicating why the deviation is necessary or appropriate in the case.

A CHILD'S BASIC NEEDS

To insure more responsible parenting and to promote the healthy adjustment and growth of a child each parent should recognize and address a child's basic needs:

1. To know that the parents' decision to live apart is not the child's fault.
2. To develop and maintain an independent relationship with each parent and to have the continuing care and guidance from each parent.
3. To be free from having, to side with either parent and to be free from conflict between the parents.
4. To have a relaxed, secure relationship with each parent without being placed in a position to manipulate one parent against the other.
5. To enjoy regular and consistent time with each parent.
6. To be financially supported by each parent, regardless of how much time each parent spends with the child.
7. To be physically safe and adequately supervised when in the care of each parent and to have a stable, consistent and responsible child care arrangement when not supervised by a parent.
8. To develop and maintain meaningful relationships with other significant adults (grandparents, stepparents and other relatives) as long as these relationships do not interfere with or replace the child's primary relationship with the parents.

OTHER CONSIDERATIONS:

1. It is usually in the children's best interests that each parent have frequent, meaningful and continuing contact with them.
2. The parents, in exercising visitation, should be flexible enough to adapt to the circumstances of each other and to the children.
3. Parents should at all times avoid speaking negatively about each other and should firmly discourage such conduct by relatives or friends.
4. Children should never be used by one parent to spy on the other.
5. Each parent should encourage the children to respect the other.
6. The basic rules of conduct and discipline established by the custodial parent should be the baseline standard for both parents, and consistently enforced by both so that the children do not receive mixed signals.

SECTION I GENERAL RULES APPLICABLE TO PARENTING TIME

(A) COMMUNICATIONS

1. Between Parents Parents shall at all times keep each other advised of their home and work addresses and telephone numbers. Notice of any change in this information shall be given to the other parent in writing. All communications concerning a child shall be conducted between the parents. Any communication shall occur at reasonable times and places unless circumstances require otherwise. A child shall not be used to exchange documents or financial information between parents.

2. With A Child Generally A child and a parent shall be entitled to private communications without interference from the other parent. A child shall never be used by one parent to spy or report on the other. Each parent shall encourage the child to respect and love the other parent. Parents shall at all times avoid speaking negatively about each other in or near the presence of the child, and they shall firmly discourage such conduct by relatives or friends.

3. With A Child By Telephone Both parents shall have reasonable phone access to their child at all times. Telephone communication with the child by either parent to the residence where the child is located shall be conducted at reasonable hours, shall be of reasonable duration and at reasonable intervals, without interference from the other parent. If a parent uses an answering machine, voice mail or a pager, messages left for a child shall be promptly communicated to the child and the call returned.

4. With A Child By Mail A parent and a child shall have right to communicate privately by e-mail and faxes, and by cards, letters and packages without interference by the other parent.

5. Emergency Notification For emergency notification purposes, whenever a child travels out of the area with either parent, one of the following shall be provided to the other parent: An itinerary of travel dates destinations and places where the child or the traveling parent can be reached, or the name and telephone number of an available third person who knows where the child or parent may be located.

(B) IMPLEMENTING PARENTING TIME

1. Transportation Responsibilities Unless otherwise agreed between the parents, the non-custodial parent shall provide transportation for the child at the start of the scheduled parenting time and the custodial parent shall provide transportation for the child at the end of the scheduled parenting time.

In cases where jurisdiction is the residence of both parents and children at the time of the initial order, and one of the parents later leaves the jurisdiction, thus changing the visitation pattern, the Court will give strong consideration to imposing most of the costs of transportation necessary to facilitate future visitation on the party that moved. However, the Court will also consider other factors, such as the economic circumstances of the parents and the reasons prompting the move.

2. Punctuality Each parent shall have the child ready for exchange at the beginning and at the end of the scheduled parenting, time and shall be on time in picking up and returning the child. The parents shall communicate as early as possible regarding any situation that would interfere with the timely exchange of the child.

3. Clothing The custodial parent shall send an appropriate and adequate supply of clean clothing with the child and the non-custodial parent shall return such clothing in a clean condition. Each parent shall advise the other, as far in advance as possible, of any special activities so that the appropriate clothing, may be available to the child.

4. Privacy of Residence A parent may not enter the residence of the other except by express invitation, regardless of whether a parent retains a property interest in the residence of the other. Accordingly, the child shall be picked up at the front entrance of the appropriate residence unless the parents agree otherwise. The person delivering the child shall not leave until the child is safely inside.

(C) CHANGES IN SCHEDULED PARENTING TIME

Introduction Parents should recognize there will be occasions when modification of the existing parenting schedule will be necessary. Parents should exercise reasonable judgment in their dealings with each other and with their child. Parents should be flexible in scheduling parenting time and should consider the benefits to the child of frequent, meaningful and regular contact with each parent and the schedules of the child and each parent.

1. Scheduled Parenting Time To Occur As Planned Parenting time is both a right and a responsibility, and scheduled parenting time shall occur as planned. If a parent is unable to provide personal care for the child during scheduled parenting time, then that parent shall provide alternate child care or pay the reasonable costs of child care caused by the failure to exercise the scheduled parenting time.

2. Adjustments to Schedule/"Make Up" Time Whenever there is a need to adjust the established parenting schedules because of events outside the normal family routine, the parent who becomes aware of the circumstance shall notify the other parent as far in advance as possible. Both parents shall then attempt to reach a mutually acceptable adjustment to the parenting schedule. If an adjustment results in one parent losing scheduled parenting time with the child, "make-up" time should be exercised as soon as possible. If the parents cannot agree on make-up time, the parent who lost the time shall select the make-up time within one month of the missed time.

3. Opportunity for Additional Parenting Time When it becomes necessary that a child be cared for by a person other than a parent or a family member, the parent needing the child care shall first offer the other parent the opportunity for additional parenting time. The other parent is under no obligation to provide the child care. If the other parent elects to provide this care, it shall be done at no cost.

(D) EXCHANGE OF INFORMATION

1. School Records Each parent shall promptly provide the other with copies of a child's grade reports and notices from school as they are received. A parent shall not interfere with the right of the other parent to communicate directly with school personnel concerning a child.

2. School Activities Each parent shall promptly notify the other parent of all school activities. A parent shall not interfere with the right of the other parent to communicate directly with school personnel concerning a child's school activities. The parent exercising parenting time shall be responsible to transport the child to school related activities.

3. Other Activities Each parent shall promptly notify the other parent of all organized events in a child's life which permit parental and family participation. A parent shall not interfere with the opportunity of the other parent to volunteer for or participate in a child's

activities.

4. Health Information If a child is undergoing evaluation or treatment, the custodial parent shall communicate that fact to the non-custodial parent. Each parent shall immediately notify the other of any medical emergencies or illness of the child that requires medical attention. If a child is taking prescription or nonprescription medication, the custodial parent shall provide the non-custodial parent with a sufficient amount of medication with instructions whenever the noncustodial parent is exercising parenting time. The custodial parent shall give written authorization to the child's health care providers permitting an ongoing release of all information regarding the child to the non-custodial parent including the right of the provider to discuss the child's situation with the non-custodial parent.

5. Insurance A parent who has insurance coverage on the child shall supply the other parent with current insurance cards, an explanation of benefits, and a list of insurer-approved or HMO-qualified health care providers in the area where each parent lives. If the insurance company requires specific forms, the insured parent shall provide those forms to the other parent. A custodial parent who, except in an emergency, takes the children to a doctor, dentist, or other provider not so approved or qualified shall pay any additional costs thus created. However, when there is a change in insurance which requires a change in medical care providers and a child has a chronic illness, thoughtful consideration should be given by the parties to what is more important, allowing the child to remain with the original provider or the economic consequences of that decision. When there is an obligation to pay medical expenses, parents shall cooperate in submitting bills to the appropriate insurance carrier. Thereafter, the parent responsible for paying the balance of the bill shall make arrangements directly with the health care provider and shall inform the other parent thereof.

(E) RESOLUTION OF PROBLEMS

1. Disagreements Generally When a disagreement occurs regarding, parenting time and the requirements of these Guidelines, both parents shall make every effort to discuss options, including mediation, in an attempt to resolve the dispute before going to court.

2. Mediation Prior to court action initiated, the parents shall first attempt to work out the dispute among themselves and if that is unsuccessful, then enter into mediation unless otherwise ordered

by the court. If mediation is unsuccessful, then the parties shall so inform the court and hearing shall be promptly set.

3. Child Hesitation If a child is reluctant to participate in parenting time, each parent shall be responsible to ensure the child complies with the scheduled parenting time. In no event shall a child be allowed to make the decision on whether scheduled parenting time takes place.

4. Relocation When either parent considers a change of residence, reasonable advance notice of the intent to move shall be provided to the other parent so they can discuss necessary changes in the parenting schedule as well as the allocation of transportation costs in exercising parenting time which may result from the move. See LR67-FL00-CIV-14.

5. Withholding Support or Parenting Time Neither parenting time nor child support shall be withheld because of either parent's failure to comply with a court order. Only the court may enter sanctions for noncompliance. A child has the right both to support and parenting time, neither of which is dependent upon the other. If there is a violation of either requirement, the remedy is to apply to the court for appropriate sanctions.

6. Enforcement of Parenting Time

a) Contempt Sanctions. Court orders regarding parenting time must be followed by both parents. Unjustified violations of any of the provisions contained in the order may subject the offender to contempt sanctions. These sanctions may include fine, imprisonment and/or community service.

b) Injunctive Relief. Under Indiana law, a non-custodial parent who regularly pays support and is barred from parenting time by the custodial parent may file an application for an injunction to enforce parenting time under the Indiana Code.

c) Criminal Penalties. Interference with custody or visitation rights may be a Crime. Indiana Code § 35-42-3-4.

d) Attorney Fees. In any court action to enforce an order granting or denying parenting time, a court may award reasonable attorney fees and expenses of litigation. A court may consider whether the parent seeking attorney fees substantially prevailed and whether the parent violating the order did so knowingly or intentionally. A court can also award attorney fees and expenses against a parent who pursues a frivolous

or vexatious court action.

SECTION II SPECIFIC PARENTING TIME PROVISIONS

INTRODUCTION

The best parenting plan is one created by parents which fulfills the unique needs of the child and the parents. The specific provisions which follow are designed to assist parents and the court in the development of a parenting plan. They represent the minimum recommended time a parent should have to maintain frequent, meaningful, and continuing contact with a child.

(A) INFANTS AND TODDLERS

The first few years of a child's life are recognized as being critical to that child's ultimate development. Infants (under eighteen months) and toddlers (eighteen months to three years) have a great need for continuous contact with the primary care giver who provides a sense of security, nurturing and predictability. It is thought best if scheduled parenting time in infancy be minimally disruptive to the infant's schedule.

The Courts of Putnam county are disinclined to order visitation in the custodial parent's home, and believe that children's best interest are most often served by expanding contact between the non-custodial parent and his or her children.

1. Overnight-Parenting Time Unless it can be demonstrated that the non-custodial parent has not had regular care responsibilities for the child, parenting time shall include overnights. If the non-custodial parent has not previously exercised regular care responsibilities for the child, then parenting time shall not include overnights prior to the child's third birthday, except as provided below.

2. Parenting Time In Early Infancy (Birth through Age 9 months)

a) Birth through Age 4 months:

1. Three (3) non-consecutive "days" per week of two (2) hours in length.
2. All scheduled holidays of two hours in length.
3. Overnight if appropriate under Rule 1 above but not to exceed one (1) 24 hour period per week.

b) Age 5 months through Age 9 Months:

1. Three (3) non-consecutive "days" per week of three (3) hours per day. The child is to be returned at least one (1) hour before evening bedtime.
2. All scheduled holidays of three (3) hours in length. The child is to be returned at least one hour before evening bedtime.
3. Overnight if appropriate under Rule I above but not to exceed one (1) 24 hour period per week.

3. Parenting Time In Later Infancy (Age 10 Months through Age 36 Months)

a) Age 10 Months through Age 12 Months:

1. Three (3) non-consecutive "days" per week, with one day on a "non-work" day for eight (8) hours. The other days shall be for three (3) hours each day. The child is to be returned at least one (1) hour before evening bedtime.
2. All scheduled holidays for eight (8) hours. The child is to be returned at least one (1) hour before evening bedtime.
3. Overnight if appropriate under Rule I above but not to exceed one (1) 24 hour period per week.

b) Age 13 Months through Age 18 Months:

1. Three (3) non-consecutive "days" per week, with one day on a "nonwork" day for ten (10) hours. The other days shall be for three hours each day. The child is to be returned at least one (1) hour before evening bedtime.
2. All scheduled holidays for eight (8) hours. The child is to be returned at least (1) hour before evening bedtime.
3. Overnight if appropriate under Rule I above but not to exceed one (1) 24 hour period per week.

c) Age 19 Months through 36 Months:

1. Alternate weekends on Saturdays for ten (10) hours and on Sundays for ten (10) hours. The child is to be returned at least one hour before bedtime, unless overnight is appropriate under Rule 1.

2. One (1) "day" preferably in midweek for three (3) hours the child to be returned at least one (1) hour before evening bedtime. Unless overnight during the week is appropriate under Rule 1.
3. All scheduled holidays for ten (10) hours. The child is to be returned one hour before bedtime.
4. If the non-custodial parent who did not initially have substantial care responsibilities has exercised the scheduled parenting time under these guidelines for at least nine (9) continuous months, overnight parenting time may take place.

(B) CHILD 3 YEARS OF AGE AND OLDER

1. Regular Parenting Time

- a) On alternating weekends from Friday at 6:00 PM until Sunday at 6:00 PM (the times may change to fit the parents' schedules).
- b) One (1) evening per week, preferably in mid-week, for a period of up to four hours but the child shall be returned no later than 9:00 PM.
- c) On all scheduled holidays.

2. Extended Parenting Time (Child through 4 Years Old) Up to four (4) non-consecutive weeks during the year beginning at 4:00 PM on Sunday until 4:00 PM on the following Sunday, the non-custodial parent to have sixty (60) days advance notice of the use of a particular week.

3. Extended Parenting Time (Child 5 and older) One-half of the summer vacation. The time may be either consecutive or split into two (2) segments. The non-custodial parent shall give notice to the custodial parent of the selection by April 1 of each year. If such notice is not given, the custodial parent shall make the selection.

If a child attends year-round school, the periodic breaks should be divided equally between the parents.

If a child attends summer school, the parent exercising parenting time shall be responsible for the child's transportation to and attendance at school.

During any extended summer period of more than two (2) consecutive weeks with the noncustodial parent, the custodial parent shall have the benefit of the regular parenting time schedule set forth above, unless impracticable because of distance created by out of town vacations.

Similarly, during the summer period when the children are with the custodial parent for more than two (2) consecutive weeks, the non-custodial parent's regular parenting time continues, unless impracticable because of distance created by out of town vacations.

Notice of an employer's restrictions on the vacation time of either parent shall be delivered to the other parent as soon as that information is available. In scheduling parenting time the employer imposed restrictions on either parent's time shall be considered by the parents in arranging their time with their child.

(C) PARENTING TIME FOR THE ADOLESCENT AND TEENAGER

1. Regular Parenting Time Regular parenting time by the non-custodial parent on alternating, weekends, during holidays, and/or an extended time during the summer months as set forth in the Parenting Time Guidelines (Section II B) shall apply to the adolescent and teenager.

2. Special Considerations In exercising parenting time with a teenager, the non-custodial parent shall make reasonable efforts to accommodate a teenager's participation in his or her regular academic, extracurricular and social activities.

D) HOLIDAY PARENTING TIME SCHEDULE

1. Conflicts Between Regular and Holiday Weekends The Holiday Parenting Time Schedule shall take precedence over regularly scheduled and extended parenting time. Extended parenting time takes precedence over regular parenting time unless otherwise indicated in these Guidelines. If the non-custodial parent misses a regular weekend because it is the custodial parent's holiday, the regular alternating parenting time schedule will resume following the holiday. If the non-custodial parent receives two consecutive weekends because of a holiday, the regular alternating parenting time schedule will resume the following weekend.

The holiday weekend shall not affect the regularly alternating weekend schedule which may result in a parent receiving three (3) consecutive weekends. It is anticipated that missed weekends due to the holiday weekend will balance out for each parent given the alternating schedule for the holidays provided for in these guidelines.

2. Holiday Schedule The following parenting times are applicable in all situations referenced in these Guidelines as "scheduled holidays" with the limitations applied as indicated for children under the age of three years.

a) Special Days

1. Mother's Day With the child's mother from Friday at 6:00 PM until Sunday at 6:00 PM.

2. Father's Day With the child's father from Friday at 6:00 PM until Sunday at 6:00 PM.

3. Child's Birthday In even numbered years the non-custodial parent shall have all of the children on each child's birthday from 9:00 AM until 9:00 PM. However, if the birthday falls on a school day, then from 5:00 PM until 8:00 PM. In odd numbered years the custodial parent shall have all of the children on each child's birthday from 9:00 AM until 9:00 PM, however, If such day falls on a school day, then from 5:00 PM until 8:00 PM.

4. Parent's Birthday From 9:00 AM until 9:00 PM with that parent. However, if the parent's birthday falls on a school day, then from 5:00 PM until 8:00 PM.

b) Christmas Vacation One-half of the period which will begin at 8:00 PM on the evening the child is released from school and concludes at 8:00 PM on the day before school resumes. If the parents cannot agree on the division of this period, the custodial parent shall have the first half in even numbered years. In those years when Christmas does not fall in a parent's week, that parent shall have the child from noon to 9:00 PM on Christmas Day. The winter vacation period shall apply to pre-school children and shall be determined by

the vacation period of the public grade school in the custodial parent's school district.

Preference should be given to preserving long-standing family Christmas traditions, even if for example, one parent will always have Christmas Eve for their extended family's Christmas celebration. Section B modified to assure each parent will enjoy parenting time during ½ of the Christmas vacation.

c) Holidays In years ending with an even number the non-custodial parent shall exercise the following parenting time:

1. Memorial Day From Friday at 6:00 PM until Monday at 7:00 PM.
2. Labor Day From Friday at 6:00 PM until Monday at 7:00 PM
3. Thanksgiving From 6:00 PM on Wednesday until 7:00 PM on Sunday.

In such years, the custodial parent shall exercise the following parenting time:

1. Spring Break From Friday at 6:00 PM through Sunday of the following weekend at 7:00 PM.
2. Easter From Friday at 6:00 PM until Sunday at 7:00 PM.
3. Fourth of July From 6:00 PM on July 3 until 10:00 AM on July 5.
4. Halloween On Halloween evening from 6:00 PM until 9:00 PM, or at such time as coincides with the scheduled time for trick or treating in the community where the non-custodial parent resides.

In years ending with an odd number, the non-custodial parent shall exercise the following parenting time:

1. Spring Break From Friday at 6:00 PM through Sunday of the following weekend at 7:00 PM.
2. Easter From Friday at 6:00 PM until Sunday at 7:00 PM.
3. Fourth of July From 6:00 PM on July 3 until 10:00 AM on July 5.
4. Halloween On Halloween evening from 6:00 PM until 9:00 PM, or at such time as coincides with the scheduled time for trick or treating in

the community where the non-custodial parent resides.

In such years, the custodial parent shall exercise the following parenting time:

1. Memorial Day From Friday at 6:00 p.m. until Monday at 7:00 p.m.
2. Labor Day From Friday at 6:00 p.m. until Monday at 7:00 p.m.; and,
3. Thanksgiving From 6:00 p.m. on Wednesday until 7:00 p.m. on Sunday.
4. Religious Holiday Religious-based holidays shall be considered by the parties and added to the foregoing holiday schedule when appropriate. The addition of such holidays shall not affect the Christmas vacation parenting time, however, they may affect the Christmas day and Easter parenting time.

SECTION III PARENTING TIME WHEN DISTANCE IS A MAJOR FACTOR

Where there is a significant geographical distance between the parents, scheduling parenting time is fact sensitive and requires consideration of many factors which include employment schedules, the costs and time of travel, the financial situation of each parent, the frequency of the parenting time and others.

1. General Rules Applicable The general rules regarding parenting time as set forth in Section I of these guidelines shall apply.

2. Parenting Time Schedule The parents shall make every effort to establish a reasonable parenting time schedule. When distance is a major factor, the following parenting time schedule may be helpful:

- a) Child Under 3 Years Of Age For a child under 3 years of age, the noncustodial parent shall have the option to exercise parenting time in the community of the custodial parent up to two (2) five hour periods each week. The five-hour period may occur on Saturday and Sunday on alternate weekends only.
- b) Child 3 and 4 Years of Age For a child 3 and 4 years of age, up to six (6) oneweek segments annually, each separated by at least (6) weeks, including the pickup and return of the child, no segment shall exceed eight (8) days.
- c) Child 5 Years of Age and Older For a child 5 years of age and older, seven

(7) weeks of the school summer vacation period and seven (7) days of the school winter vacation plus the entire spring break, including both weekends if applicable. Such parenting time, however, shall be arranged so that the custodial parent shall have religious holidays, if celebrated, in alternate years.

3. Priority of Summer Visitation Summer parenting time with the non-custodial parent shall take precedence over summer activities (such as Little League) when parenting time cannot be reasonably scheduled around such events. Under such circumstances, the noncustodial parent shall attempt to enroll the child in a similar activity in his or her community.

4. Extended Parenting Time Notice The non-custodial parent shall give notice to the custodial parent of the selection by April 1 of each year. If such notice is not given, the custodial parent shall make the selection.

5. Special Notice of Availability When the non-custodial parent is in the area where the child resides, or when the child is in the area where the non-custodial parent resides, liberal parenting time shall be allowed. The parents shall provide notice to each other, as far in advance as possible, of such parenting opportunities.

LR67-FL00-26 Child Support Standards

1. Generally Except in unusual circumstances, the Courts shall follow the schedule of support payments and maintenance set forth in the Indiana Child Support Guidelines, including all explanations and formulas.

2. Medical insurance Whichever party can provide the most comprehensive policy of medical insurance for the child(ren) at the lowest cost shall provide said insurance. The amount of the insurance premiums shall then be allocated between the parties on the percentage-of-income basis. If the non-custodial parent pays the insurance premiums, that parent shall receive credit against support paid each week in the amount of that parent's allocated portion of medical insurance. If the custodial parent pays the medical insurance premiums, that parent shall receive an additional amount of support each week equal to the non-custodial parent's percentage of medical insurance premiums. For good cause shown, and following a hearing at which both parties are given an opportunity to be present, the Court

may in its discretion waive the requirement that medical insurance be provided for the benefit of minor children.

3. Educational expenses through grade 12 A Guidelines-based support order shall encompass all ordinary educational expenses through the high school level. If appropriate, extraordinary educational expenses for children who have not yet completed high school, including private school tuition and costs of tutoring, shall be determined as an addition to support and shall be divided between the parties in proportion to their respective weekly adjusted incomes.

4. Educational expenses after grade 12 Post high school educational expenses shall be determined as either an addition to, or in lieu of support. Except in unusual circumstances, an award of such expenses shall be limited to the lesser of:

- a) The actual annual expenditures for tuition, room board, books, transportation, fees and miscellaneous expenses for the student; or
- b) The annual cost of tuition, room, board, books, transportation, fees, and miscellaneous expenses which would be incurred by an Indiana resident attending the Bloomington campus of Indiana University as a resident student.

The Custodial parent and the child shall be responsible for making, timely applications for all scholarships and grants for which the child might be eligible. Other than in exceptional circumstances, gifts and trust funds intended for college, scholarships and grants shall be deducted from the educational expenses. All educational tax benefits (e.g. Hope Scholarship Credits and Lifetime Learning Credits) shall be applied by the party receiving them to the payment of educational expenses. Thereafter, the child shall be responsible for twenty-five percent (25%) of the remaining expenses, and the balance shall be divided between the parties in proportions to their respective weekly adjusted income. Except in unusual circumstances, the amount of support determined under the Guidelines shall be wholly abated when the child is not in residence. The child shall execute any and all documents, and perform any and all other acts, reasonably necessary to afford both parents access to all available information regarding, grades, attendance, financial awards, grants and scholarships, and school disciplinary matters.

5. Income Tax Benefit The parties shall allocate income tax benefits for a minor child equitably, but in such a manner as to maximize tax benefits. A non-custodial party shall claim such tax benefits only if that party shall have paid all support due through the end of the affected calendar year by December 31 of that year. Both parties shall execute any forms necessary to carry out the requirements of this paragraph. A party's refusal to sign such forms may be punishable by contempt or by imposition of other sanctions, including modification of the current support obligation to recapture any tax benefit lost by the noncustodial parent.

6. All petitions to abate or modify child support orders, which are filed by child support payors, shall include a statement of the amount of the arrearage, if any, owed by petitioner in child support, and in the payment of the Clerk's annual fee for the collection and distribution of child support.

7. So long as one or more the parties' children remain unemancipated or the beneficiary of an order for contribution to educational needs, the parties shall, upon request by either of them, exchange verification of income in the form of his or her most recent federal income tax return. Such income tax return shall be complete and include all attachments thereto. Such exchange shall be required no more often than once annually. Such exchange shall be concluded within two weeks of the making of such request. In the event that either party had not filed a federal income tax return for the tax year last concluded, that party shall provide the other with that federal income tax return described above, together with written verification of current income. Such verification may include a paycheck stub disclosing a year-to-date income or a current profit and loss statement reflecting self-employment or partnership income.

It is the purpose of this rule to foster the exchange of accurate and complete income information in order to avoid needless litigation. This rule shall be liberally construed in order to achieve those ends.

Local Rule 26 Relating to the Indiana Rules of Criminal Procedure

LR67-CR4-CRIM-26 Criminal Rule 4 Notice

It shall be the sole responsibility of the Prosecutor's office to inform the Court of any Defendant being held in custody pending trial of any C.R. 4 time limitation no less than 20 days prior to the expiration of the time limitation so the court may immediately set a trial date. Failure to notice the court shall result in defendant being released and/or discharged, chargeable to the State.

Local Rules 27 through 30 Relating to Miscellaneous Criminal Procedures

LR67-CR00-CRIM-27 Discovery

The Court shall issue its standard Discovery Order when defense counsel is appointed or enters his/her appearance. At first the Pretrial Conference, the prosecutor who is assigned to/handling the case and the defense attorney shall indicate to Court what discovery has yet to be provided and the estimated time of compliance. Failure to inform opposing counsel of inability to produce promised discovery, or motion to extend time for discovery compliance shall subject violating party to sanctions including exclusion of evidence and monetary or imprisonment for contempt.

LR67-CR00-CRIM-28 Preliminary Criminal Pretrial Conferences

At the initial hearing in Circuit Court, unless otherwise ordered, all criminal cases will be set for a preliminary pretrial conference. This conference shall be held approximately 45-60 days after the initial hearing. The preliminary pretrial conference will be conducted with the prosecutor and defense counsel and the defendant present in court. Matters to be addressed at the preliminary pretrial conference include compliance with any previously issued discovery orders, outstanding discovery issues, witness and exhibit lists, possible plea agreements, setting of the final pretrial/plea cut-off date and jury trial date.

LR67-CR00-CRIM-29 Final Pretrial Conferences

At the Final Pretrial Conference, the parties shall indicate to the court if the case is going to be dismissed, pled or tried. All tendered plea agreements shall be reduced to writing prior to the hearing. If parties indicate they are requesting the matter be tried, the parties shall file their respective exhibit lists, witness list, any pre-trial motions, proposed preliminary and final instructions. If any additional evidence/witnesses are first disclosed at this date, then the presumption shall be that the evidence/witness shall be excluded, unless good cause shown.

LR67-CR00-CRIM-30 Bond Schedule and Conditions of Posting Bond

1. Bond Schedule:

a. No Bond. Unless otherwise ordered by the court, individuals arrested and taken into custody will not be allowed to post bond prior to initial hearing for all felony charges, probation violations, battery, invasion of privacy and leaving the scene of an accident.

b. Murder and Felony. The initial Bond Schedule is: murder: none, A felony \$40,000, B Felony \$30,000, C Felony \$20,000 and D Felony \$10,000, subject to modification.

c. Misdemeanors.

A misdemeanors – if Putnam County resident, \$500.00 cash or \$3,000.00 surety; if non-resident of Putnam County, \$800.00 cash or \$5,000.00 surety.

B and C misdemeanors – if Putnam County resident, own recognizance, if non-residents, \$500.00 cash or \$3,000.00 surety. Except Operating a vehicle with a BAC of .08 or Operating with a Controlled Substance, then follow A misdemeanor schedule

d. Exception. If the Sheriff, Chief Deputy or Jail Commander has good cause to believe an offender has severe medical problems, is at risk regarding his/her own health or of others at the jail, is not unlikely to fail to appear, and there is no Judge available to approve release, the above named officers may approve the release upon written promise to appear and summons for initial hearing is provided to offender.

e. Forty-Eight Hour Rule. There must be a judicial determination of probable cause to hold the offender beyond forty-eight hours of his/her arrest in the absence of a court

issued warrant or writ for his/her arrest. It is the responsibility of the arresting officer or his/her agency to contact the judge on duty to secure the probable cause hold.

2. No Contact and No Violent Contact as a Condition of Bond on Crimes of Violence:

Unless otherwise ordered by the judge, it shall be a condition of pretrial release and bond for any individual arrested for a felony offense involving either violence against an individual or a threat of violence against an individual, including but not limited to domestic violence, that the person bonding be prohibited from having any contact whatsoever, directly or indirectly, with the alleged victim of the crime and that the person bonding be prohibited from possessing any firearms or deadly weapons.

3. Time for Posting Bond: Unless otherwise ordered by the judge, or reasonably required by the Putnam County Sheriff, individuals shall be entitled to post bond as soon as practical following arrest and processing except:

a. Individuals Who are Under Any Influence of Alcohol, Drugs, or Controlled Substances: In accordance with state statutes and the policy of the Putnam County Sheriff, any individual reasonably believed to be under any influence of alcohol, drugs or controlled substances when arrested may be detained without bond until he or she is no longer under such influence.

b. Family Violence:

Anyone arrested for an offense involving family violence (as defined in I.C. 34-6-2-34.5 to include attempting, threatening or causing physical harm to another family or household member, placing a family or household member in fear of physical harm, or causing a family or household member to involuntarily engage in sexual activity by force, threat of force, or duress) shall not be allowed to post bond until the initial hearing. The court finds this cooling off period is needed because of the unique nature of family violence, which often involves high emotions between individuals who live in close physical proximity.

Local Rule 31 Relating to the Indiana Jury Rules

LR67-JR4-JURY-31 Notice of Selection for Jury Pool; Summons for Jury Service

The Putnam Circuit and Superior Court shall utilize a single tier system for mailing notice and summons to prospective jurors as referenced in Jury Rule 4(a). Each year when names of prospective jurors are drawn from the jury pool, the jury administrator shall simultaneously send to those prospective jurors whose names have been drawn notice of the period of their possible jury service, a jury qualification form, and a summons. The notice, qualification form and summons shall be mailed not later than ten (10) days after the date the prospective jurors' names were drawn from the jury pool and at least six (6) weeks before jury service.

Local Rule 32 Relating to the Indiana Administrative Rules

LR67-AR15-ADMN-32 Court Reporter Services

Section One. Definitions. For purposes of this local rule, the following definitions shall apply:

- (1) A *Court Reporter* is a person who is specifically designated by the court to perform the official court reporting services for the court including preparing a transcript of the record.
- (2) *Equipment* means all physical items owned by the court or other governmental entity and used by a court reporter in performing court reporting services. Equipment shall include, but not limited to, telephones, computer hardware, software programs, disks, tapes and any other device used for recording and storing, and transcribing electronic data.
- (3) *Work space* means that portion of the court's facilities dedicated to each court reporter, including but not limited to actual space in the courtroom and any designated office space.
- (4) *Page* means the page unit of transcript which results when a recording is transcribed in the form required by Indiana Rule of Appellate Procedure 7.2.
- (5) *Recording* means the electronic, mechanical, stenographic or other recording made as required by Indiana Rule of Trial Procedure 74.
- (6) *Regular hours worked* means those hours which the court is regularly scheduled to work during any given work week. Depending on the particular court, these hours may vary from court to court and county to county, but remain the same for each work week.
- (7) *Comp hours worked* means those hours worked that are in excess of the regular hours worked

of thirty-five (35) hours per work week.

- (8) *Work week* means a seven (7) consecutive day week that consistently begins and ends on the same days throughout the year, i.e. Sunday through Saturday, Wednesday through Tuesday, Friday through Thursday.
- (9) *Court* means the particular court for which the court reporter performs services.
- (10) *County indigent transcript* means a transcript that is paid for from county funds and is for the use on behalf of a litigant who has been declared indigent by a court.
- (11) *State indigent transcript* means a transcript that is paid for from state funds and is for the use on behalf of a litigant who is declared indigent by a court.
- (12) *Private transcript* means a transcript, including but not limited to a deposition transcript, that is paid for by a private party.

Section Two. Court Reporter; Salaries and Per Page Fees.

- (1) Court Reporters shall be paid an annual salary for time spent working under the control, direction and direct supervision of their supervising court during any regular work hours, comp hours.
- (2) The maximum per page fee a court reporter may charge for the preparation of a county indigent transcript shall be Four Dollars (\$4.00); the court reporter shall submit a claim directly to the county for the preparation of any county indigent transcripts.
- (3) The maximum per page fee a court reporter may charge for the preparation of a state indigent transcript shall be Four Dollars (\$4.00).
- (4) The maximum per page fee a court reporter may charge for the preparation of a private transcript shall be Four Dollars and Fifty Cents (\$4.50), plus the actual cost of paper used at a per page cost.
- (5) Each court reporter shall report, at least on an annual basis, all transcript fees received for the preparation of either county indigent, state indigent or private transcripts to the Indiana Supreme Court Division of State Court Administration. The reporting shall be made on forms prescribed by the Division of the State Court Administration.

Section Three. Private Practice.

- (1) If a court reporter elects to engage in private practice through the recording of a deposition and/or preparing of a deposition transcript, and the court reporter desires to utilize the court's

equipment, work space and supplies, and the court agrees to the use of the court equipment for such a purpose, the court and the court reporter shall enter into a written agreement which must, at a minimum, designate the following:

a. The reasonable market rate for the use of the equipment, work space and supplies;
The method by which records are to be kept for the use of equipment, work space and supplies; and

b. The method by which the court reporter is to reimburse the court for the use of the equipment, work space and supplies.

- (2) If a court reporter elects to engage in private practice through the recording of a deposition and/or preparing of a deposition transcript, all such private practice work shall be conducted outside of regular working hours.

Local Rule 33 Relating to Miscellaneous Administrative Procedures

LR67-AR00-ADMN-33 Removal of Files

No court files may be removed from the Courthouse by any attorney or employee or agent of any attorney. The files may be signed for and examined in the Courthouse, or in the library of the Circuit Court, after having duly been authorized through the office of the Clerk or the Circuit Court.

Local Rules 34 through 44 Relating to Probate and Guardianship Procedures

LR67-PR00-PROB-34 Notice

Whenever notice by publication and/or written notice by U.S. Mail is required to be given, the attorney shall prepare such notice and ensure that the notice is properly published and/or served as required by statute or Supreme Court Rule. It shall be the attorney's responsibility to ascertain and provide adequate proof of notice prior to bringing a matter to the Court.

LR07-PR00-PROB-35 Bond

To facilitate the Court's determination of the amount of bond to be required in any estate or guardianship, all petitions to open an estate or guardianship shall set forth the probable assets of the estate and the value of such assets, including the value of all personal property plus the

estimated annual rents and profits to be derived from the property in the estate or guardianship. In certain circumstances, at the discretion of the court, bond may be set even if the testator expressed an intention that bond may be waived.

LR67-PR00-PROB-36 Inventory

An inventory shall be filed by the fiduciary in all estates (within 60 days of opening) and guardianships (within 90 days of hearing).

LR67-PR00-PROB-37 Real Estate/Deeds

Copies of all deeds submitted to the Court for approval in either estate or guardianship proceedings shall be filed with the Court for its records. In supervised estates and guardianships in which real estate is to be sold, a written appraisal shall accompany the petition.

LR67-PR00-PROB-38 Accountings

Whenever an estate cannot be closed within one (1) year, an intermediate account shall be filed with the Court within thirty (30) days after the expiration of one (1) year and each succeeding six (6) months thereafter. Such accounting shall comply with the requirements of I.C. 29-1-16-4 and 29-1-16-6 and shall:

1. State facts showing why the estate cannot be closed and an estimated date of closing;
 and
2. Propose partial distribution of the estate to the extent that partial distribution can be made without prejudice to distributees and claimants.

LR67-PR00-PROB-39 Sale of Assets

In supervised estates and guardianships, all petitions to sell personal property shall be accompanied by an appraisal unless the sale is to be conducted by public auction or unless the value is readily ascertainable such as stocks/bonds/other publicly traded investments.

LR67-PR00-PROB-40 Fees of Attorneys and Fiduciary

No fees for fiduciaries or attorneys shall be paid out of any supervised estate or guardianship without prior written order of the Court. Absent exceptional circumstances, no attorney or fiduciary fees will be determined and authorized for payment by the Court in any unsupervised estate. Unless otherwise ordered by the Court, the fees awarded to fiduciaries and attorneys in supervised estates shall not exceed the Maximum Fee Guidelines for Supervised Estates attached to these Local Rules. The court shall not determine the reasonableness or authorize payment of fees in an unsupervised estate.

LR67-PR00-PROB-41 Closing Estate

The final accounting and closure of the estate action shall not be approved until Notice of Tax Due or Indiana Inheritance Tax or Federal Estate Tax letter is filed.

**LR67-PR00-PROB-42 Presence of Alleged Incapacitated Person at
Guardianship Hearing**

In all guardianship matters seeking to declare an adult incapacitated for any reason, the allegedly incapacitated person shall be present at the hearing or sufficient evidence shall be presented showing that the incapacitated person is unable to appear and verified by doctor's statement or caregiver.

LR67-PR00-PROB-43 Annual Reports

In all guardianships, an annual report shall be prepared and filed with the court by the guardian or the attorney. Forms are available at the Circuit Court.

LR67-PR00-PROB-44 Unsupervised Estates

No Petition for an Unsupervised Estate shall be granted unless all heirs consent to its filing. The personal representative shall prepare an inventory for inspection as in a supervised estate.

THESE LOCAL RULES ADOPTED AND ORDERED this _____ day of
_____, 200__

Matthew Headley, Judge
Putnam Circuit Court

Robert Lowe, Judge
Putnam Superior Court

MAXIMUM FEE GUIDELINES FOR SUPERVISED ESTATES

Attorney Fees

Administration

Gross estate services are considered to normally include: opening of the estate qualifying the Personal Representative, preparing and filing the inventory, paying claims, collecting assets, preparing and filing non-extraordinary petitions, preparing and filing the Inheritance Tax Schedule, obtaining the court order thereon and paying the taxes, preparing and filing the Final Report, obtaining an order approving the same, distributing assets, obtaining discharge of the Personal Representative, and preparing and serving all notices on interested parties and readily ascertainable creditors throughout the proceedings. This list shall not be considered to be exclusive.

A. Gross Estate:

Up to	\$ 100,000	not to exceed	6%
Next	200,000	not to exceed	4%
Next	700,000	not to exceed	3%
Next	1,000,000	not to exceed	1%

B. Miscellaneous Extraordinary Services

Miscellaneous and extraordinary services should be billed at a reasonable rate. Attorneys are required to notify the Court of the hourly or other rate of compensation and the services provided when requesting fees in excess of the schedule listed above. Miscellaneous or extraordinary services will vary but may include sale of personal property, sale of real property, partial distribution, defending a will, construing a will, contesting claims, adjusting tax matters, any contested hearing, petition for instructions, heirship determination, generating additional income for the estate, etc.

Personal Representative Fees

Professional: An applicable reasonable rate will be established in each case considering all circumstances.

Non-professional: An amount not in excess of one-half (2) of the attorney's fee.

Attorney: When an attorney also serves as the Personal Representative, an additional amount not in excess of one-third (1/3) of the attorney fee may be allowed, provided the attorney has performed additional services normally performed by the Personal Representative and the assets of the estate warrant the allowance of additional fees.

Limitation on Total Fees

Absent truly exceptional circumstances, the combined total of all fees allowed to the Personal Representative and the attorney for the administration of an estate shall not exceed ten percent (10%) of the decedent's gross estate.

BOND SCHEDULE PUTNAM CIRCUIT AND SUPERIOR COURTS

EFFECTIVE January 1, 2006, and unless otherwise ordered by the judge or magistrate, initial bond on individuals arrested and taken into custody will be set according to the following schedule by posting bond after the Initial Hearing.

- (A) No Bond. Unless otherwise ordered by the court, individuals arrested and taken into custody will not be allowed to post bond prior to initial hearing for all felony charges, probation violations, battery, invasion of privacy and leaving the scene of an accident.

(B)	Murder	NO BOND
(C)	Class A Felonies	\$40,000
(D)	Class B Felonies	\$30,000
(E)	Class C Felonies:.....	\$20,000
(F)	Class D Felonies	\$10,000
(G)	Misdemeanors.	

A misdemeanors – if Putnam County resident, \$500.00 cash or \$3,000.00 surety; if non-resident of Putnam County, \$800.00 cash or \$5,000.00 surety.

B and C misdemeanors – if Putnam County resident, own recognizance, if non-residents, \$500.00 cash or \$3,000.00 surety. Except Operating a vehicle with a BAC of .08 or Operating with a Controlled Substance, then follow A misdemeanor schedule.

- (G) Exception. If the Sheriff, Chief Deputy or Jail Commander has good casue to believe an offender has severe medical problems, is at risk regarding his/her own health or of others at the jail, is not unlikely to fail to appear, and there is no Judge available to approve release, the above named officers may approve the release upon written promise to appear and summons for initial hearing is provided to offender.

- (H) Forty-Eight Hour Rule. There must be a judicial determination of probable cause to hold the offender beyond forty-eight hours of his/her arrest in the absence of a court issued warrant or writ for his/her arrest. It is the responsibility of the arresting officer or his/her agency to contact the judge on duty to secure the probable cause hold.

TIMES FOR POSTING BOND

Unless otherwise ordered by the judge, required by law, or reasonably required by the Putnam County Sheriff, individuals shall be entitled to post bond as soon as practical following arrest and processing except:

I. Individuals Who are Under Any Influence of Alcohol, Drugs, or Controlled Substances

In accordance with state statutes and the policy of the Putnam County Sheriff, any individual reasonably believed to be under any influence of alcohol, drugs or controlled substances when arrested may be detained without bond until he or she is no longer under such influence.

II. Family Violence. Anyone arrested for an offense involving family violence (as defined in I.C. 34-6-2-34.5 to include attempting, threatening or causing physical harm to another family or household member, placing a family or household member in fear of physical harm, or causing a family or household member to involuntarily engage in sexual activity by force, threat of force, or duress) shall not be allowed to post bond until his initial hearing.

SPECIAL CONDITIONS OF BOND

These standard conditions restricting contact between an accused and an alleged victim in crimes of violence are subject to review on an individual basis at the initial hearing or at any other time necessary.

I. Felony Crimes of Violence or No Contact Order

Unless otherwise ordered by the court, it shall be a condition of bond/bail for any felony offense involving violence or a threat of violence, including but not limited to domestic violence, that the accused have **no contact**, directly or indirectly, with the alleged victim pursuant to the terms of the attached Local Rule. The Sheriff shall be responsible for serving a copy of the Local Rule on the accused prior to release.

II Misdemeanor Crimes of Violence or No Violent Contact Order

Unless otherwise ordered by the court, it shall be a condition of bond/bail for any misdemeanor offense involving violence or a threat of violence, including but not limited to domestic violence, that the accused have **no violent contact**, directly or indirectly, with the alleged victim pursuant to the terms of the attached Local Rule. The Sheriff shall be responsible for serving the Local Rule on the accused prior to release.

STATE OF INDIANA
THE PUTNAM COUNTY COURTS

**NO CONTACT AS A CONDITION OF BOND
FOR FELONY CRIME INVOLVING VIOLENCE OR THREAT OF VIOLENCE**

Pursuant to Rule LR67-CR00-CRIM-__ of the Local Rules of the Putnam County Courts, the following term is a condition of release from custody pending trial for any individual arrested for a felony offense involving violence against any individual, or a threat of violence against any individual, including but not limited to domestic violence:

THE ACCUSED SHALL HAVE NO CONTACT WHATSOEVER, directly or indirectly, with the alleged victim of the crime, in person, by telephone or letter, through an intermediary, in any other way, directly or indirectly, except through authorized counsel of record. Contact with the alleged victim is prohibited even if the alleged victim seeks or attempts to initiate the contact. This term of release is set by the court and may not be waived or terminated by the alleged victim.

THE DEFENDANT SHALL NOT have any firearms or deadly weapons in his or her possession.

These conditions of bond and pretrial release shall remain in effect during the prosecution of the case or until further order of the court. **VIOLATION OF THESE CONDITIONS OF BOND AND PRETRIAL RELEASE MAY CONSTITUTE VIOLATIONS OF I.C. 35-33-8-5 AND I.C. 35-46-1-15.1.**

I acknowledge I have received a copy of the No Contact As a Condition of Bond For Felony Crime Involving Violence or Threat of Violence. I understand that my bond may be revoked and I may be held in jail without bond until trial if I have any contact with the alleged victim. I also understand that violation of this order may constitute a new crime.

Date

Accused's Signature

STATE OF INDIANA
THE PUTNAM COUNTY COURTS

**NO VIOLENT CONTACT AS A CONDITION OF BOND
FOR MISDEMEANOR CRIME INVOLVING VIOLENCE OR THREAT OF VIOLENCE**

Pursuant to Rule LR67-CR00-CRIM-___ of the Local Rules of the Putnam County Courts, the following term is a condition of release from custody pending trial for any individual arrested for a misdemeanor offense involving violence against any individual, or a threat of violence against any individual, including but not limited to domestic violence:

THE ACCUSED SHALL HAVE NO VIOLENT CONTACT with the alleged victim of the crime. This term of release is set by the court and may not be waived or terminated by the alleged victim.

THE ACCUSED SHALL NOT have any firearms or deadly weapons in his or her possession.

These terms of bond and pretrial release shall remain in effect during the prosecution of the case or until further order of the court.

**VIOLATION OF THESE CONDITIONS OF BOND AND PRETRIAL RELEASE MAY
CONSTITUTE VIOLATIONS OF I.C. 35-33-8-5 AND MAY RESULT IN REVOCATION OF
THE ACCUSED'S BOND.**

I acknowledge I have received a copy of the Court=s Standing Order for No Violent Contact as a Condition of Bond For Misdemeanor Crime Involving Violence or Threat of Violence and understand that my bond may be revoked and I may be held in jail without bond until trial if I have any violent contact with the alleged victim.

Date

Accused's Signature

LR20-TR00-NATP-9 TRIAL PROCEDURES

(A) Ten days before the commencement of the trial of any criminal case or a civil case which is a "first or second setting":

1) Each attorney shall mark for identification and provide opposing counsel an opportunity to inspect and copy all exhibits which that party intends to introduce into evidence during the trial. The proponent of the exhibit shall

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prepare a proposed stipulation and shall submit it to opposing counsel with the exhibits. All documents stipulated to be admissible shall be prepared so that the court and each juror shall have a packet of stipulated exhibits at the beginning of the trial; and

2) Each party shall provide the court and each opposing counsel a final written list of names and addresses of that party's witnesses, as well as a written list of exhibits. If without just cause the exhibits and lists are not exchanged, stipulated to, or provided, then the exhibits or witnesses shall not be allowed to be used during the trial.

(B) Voir dire examinations shall be conducted first by the Court. Parties may submit to the Court, at least five days prior to the trial, any proposed questions for prospective jurors, which questions shall be asked if the court deems them appropriate. The Court may also grant each party a limited amount of time for additional examination of prospective jurors. The sole purpose of voir dire examination shall be to determine qualifications of prospective jurors.

(C) All challenges to prospective jurors seated in the jury box shall be exercised in writing after the first round of questioning of those prospective jurors. If more than one party peremptorily challenges the same juror, the challenge shall be counted against each party so challenging. At the end of each succeeding round, peremptory challenges may be exercised against only those persons seated after the previous round. Parties may interrogate previously-accepted prospective jurors only as to new matters and may thereafter challenge for cause a previously-accepted prospective juror.

(D) When an objection is made to a question posed to a witness during any jury trial, the person asking the question shall not state within the hearing of the jury the expected response of the witness.

(E) Only one person shall examine or cross-examine a witness, except by permission of the Court.

(F) A court shall not enforce any admissions, agreements, or stipulations unless they are reduced to writing and either filed with the Court or made a part of the record in open court.

LR20-TR51-NAJI-10 JURY INSTRUCTIONS

(A) A court may require a party to submit any proposed instructions either on paper or on a 3.5-inch computer diskette in WordPerfect format.

(B) In any civil case each party shall tender to the court all proposed preliminary and final instructions at least 14 days prior to the trial date.

(C) In any criminal case each party shall tender to the court all proposed preliminary and final instructions at least 3 days prior to the trial date.

(D) The Court may in its discretion permit the parties to submit additional proposed final instructions after the close of the evidence.

(E) Any proposed instruction shall contain a citation of legal authority for the proposed instruction. Indiana Pattern Jury Instructions shall be used wherever applicable. Failure to

comply with this rule shall be deemed a waiver by a party of the right to tender instructions.

(F) A party submitting proposed instructions on paper shall submit the proposal in duplicate. One copy of each proposed instruction shall identify the party tendering the instruction and shall contain citations of authority. The other copy of the instruction shall be prepared so as not to identify either the party proposing the instruction or the citation of authority.

(G) A party proposing any instruction shall deliver a copy of such instruction to any other party.

LR20-TR00-NACE-11 CUSTODY/DISPOSITION OF EXHIBITS

(A) Any material marked as an exhibit, whether or not admitted into evidence, shall be held in the custody of the Court Reporter, unless otherwise ordered by the Court.

(B) All material placed in the custody of the Court Reporter shall be removed by the offering party, except as otherwise ordered by the Court, within four months after the final disposition of the case. At the time of removal, the party shall give a detailed receipt to the Court Reporter which shall be filed in the record of the case. If a party fails to comply with this rule, the Court may order the destruction or other disposition of the material.

LR20-TR00-CVSB-12 SURETY ON BONDS

(A) No attorney, employee or other officer of the Court shall be accepted as surety on bonds in criminal, civil or probate matters.

(B) The Court will require a bond in an amount sufficient to cover all liquid assets of all estates, trusts and guardianships. If any non-liquid assets (such as real estate) becomes liquid, the bond shall immediately be increased in an amount to cover the additional liquid asset. The bond shall also be in an amount to protect two (2) times the annual income. The bond may be waived in an estate only if a sole heir is also the personal representative and as heir files a waiver of bond or if all adult competent heirs file a waiver of bond, and in a guardianship if the minor's account cannot be withdrawn except by Court order. When two or more persons are appointed personal representative or co-guardians, they may file a joint surety.

LR20-TR00-NAGC-16 GUARDIAN AD LITEM/CASA

(1) APPOINTMENT OF GUARDIAN AD LITEM

The Courts of Elkhart County reserve the right to appoint a guardian ad litem to represent the interests of minors and incapacitated persons. An order for appointment of a guardian ad litem may be entered by agreement of the parties and the court or by petition and approval by the court. Guardian ad litem fees shall be ordered paid by the parties in accordance with the percentages of their incomes, unless otherwise agreed to by the parties or the parties are determined to be indigent, in which case the court shall pay the fees at the rate set forth by Elkhart County. Within ten (10) days of the appointment of the guardian ad litem, the parties and/or counsel shall file a guardian ad litem information sheet form and shall serve a copy upon the guardian ad litem. The guardian ad litem shall file a written report with the court and serve copies upon the parties and/or counsel as ordered by the court. The guardian ad litem's appointment shall be considered terminated upon completion of the work required by the court's initial order or upon entry of an order deciding the matters at issue. The appointment may be renewed at a later date by further order of the court.

(2) JUVENILE COURT GUARDIAN AD LITEM/CASA

The Court shall appoint a Guardian Ad Litem and/or Court appointed Special Advocate (CASA) to each child involved in the Juvenile Court alleged to be a Child in Need of Services (CHINS), and in each Petition for Termination of Parental Rights. The following procedure shall be followed with respect to such appointments:

1) The CASA shall file a Form of Order with the Court appointing a CASA in each CHINS case. The Form of Order shall indicate the name of the assigned CASA.

2) The Court shall issue an Order appointing a CASA with the filing of all Termination Petitions. The CASA appointed in the corresponding CHINS action shall be appointed to represent the Minor in the Termination cause to provide for continuity in the representation of each child.

LR20- AR00-NAMC-17 MAGISTRATE AND IV-D COMMISSIONER GUIDELINES

(A) MAGISTRATE GUIDELINES The Courts of Elkhart County adopt the following guidelines regarding use of Magistrates:

1) Any Court may, with or without the consent of the parties, assign to a Magistrate the responsibility to hear specific currently-disputed matters.

2) The Magistrate shall, with reasonable promptness, hear such matters and shall issue to such Court either a report of findings, which may be accompanied by a recommendation for disposition of those matters, or a final order, whichever is appropriate under controlling law. Complaints regarding the timeliness of any disposition shall be made to the referring Court.

3) All filings related to any matter referred to a Magistrate shall be made with the Magistrate.

4) No change of venue from a Magistrate shall be granted. A change of venue from the referring Court may be sought under applicable trial Rules.

5) A Magistrate shall maintain an office which shall be open at all reasonable times during the Elkhart County hours of operation. A Magistrate shall maintain a telephone answering system during any workday periods when the office is not manned.

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6) Referral of a matter to a Magistrate shall not operate as an appointment of a special judge, temporary judge or a judge pro tempore.

(B) IV-D COMMISSIONER GUIDELINES

The IV-D Child Support Court (hereinafter IV-D Court) is established by Elkhart County pursuant to Title IV, Section D, of the Federal Social Security Act for the purpose of providing for paternity establishment, establishment of child support orders, enforcement of child support orders and collection of past due support for Title IV-D Program participants.

1) In all cases in which the Title IV-D Child Support Division of the Elkhart County Prosecutor's Office (hereinafter IV-D Office) has intervened, all child support issues shall be deemed automatically referred to the IV-D Court;

2) Except that felony non-support cases shall remain in Elkhart Superior Court 6 unless Elkhart Superior Court 6 chooses to refer a felony non-support case to the IV-D Court.

3) In a case in which child support issues are deemed automatically referred to the IV-D Court, the underlying cause shall remain in the court in which it was originally filed, unless properly transferred to another court.

4) All new causes filed by the IV-D Office after January 1, 2005 shall be filed in Elkhart Superior Court 6 and the Judge of Elkhart Superior Court 6 shall supervise the administration of the IV-D Court.

5) All cases currently assigned a cause number will retain the original cause number; the IV-D staff will file all pleadings in the Court of origin with sufficient copies for all parties being noticed. All pleadings must include the

parties address, dates of birth and social security numbers when preparing and filing orders, the IV-D Office shall tender two copies of the requested order plus one copy for each party.

6) The IV-D Office is exempt from filing fees.

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LR20- JV00-NAJV-18 CIRCUIT COURT JUVENILE DIVISION

(A) JUVENILE COURT DETENTION AND PROTECTIVE CUSTODY HEARINGS

Such hearings are probable cause hearings and by nature ex parte. Notwithstanding the above:

1) Detention Hearing: Minor allowed to cross-examine and confront witnesses, representation by counsel and presentation of relevant evidence discretionary with Court.

2) Protective Custody Hearing: Minor, parent, guardian or custodian allowed (K)cross-examination and confrontation of witnesses and representation by counsel. Minor, parent, guardian or custodian allowed to make statement of explanation of circumstances surrounding protective custody, presentation of relevant other evidence discretionary with the Court.

(B) JUVENILE COURT INITIAL HEARINGS - DELINQUENCY/CHINS

1) Initial hearings shall be held pursuant to law.

2) Upon denial of petition, the Court will set the matter for fact finding hearing, unless the parties agree and the Court has sufficient time to hear the same without disruption of the remainder of the Court schedule.

(C) JUVENILE COURT DISPOSITIONAL, MODIFICATION OF DISPOSITION PROGRESS REPORTS, PLACEMENT REVIEW HEARINGS - DELINQUENCY/CHINS

1) Parties shall inform the Court within seven (7) days or such time as the Court determines, if the party intends to call witnesses other than Probation or the Division of Family and Children staff at such hearings; and said party shall inform opposing counsel and guardian ad litem or non-represented party within the same time limits.

2) The Court may reschedule such hearings if sufficient time is not available at the scheduled time.

(D) JUVENILE COURT WAIVER OF JURISDICTION, VIOLATION OF PROBATION DELINQUENCY AND TERMINATION OF PARENTAL RIGHTS - WELFARE

1) Initial hearings shall be held on such petitions.

2) Upon denial of same, the Court shall set the matter for fact finding or evidentiary hearing following Rule 11 herein above stated.

3) Upon granting of waiver of jurisdiction, the State shall provide the waiver decree embracing all facts which the party claims is proven and conclusions of law thereon within seventy-two (72) hours of the conclusion of the hearing, in such numbers that the Juvenile Court, the adult Court to which the minor is waived, Probation Department and minor receive copies.

(E) JUVENILE COURT REPORTS, ASSESSMENTS AND EVALUATIONS

1) All Division of Family and Children, Probation and CASA reports, court ordered assessments and evaluations shall be filed with the Court not later than 4:00 p.m. on the Friday before the scheduled hearing.

2) All such reports shall be served on opposing parties and CASA, if relevant, as soon as such are available, the latest being by 4:00 p.m. on the Friday before

the scheduled hearing.

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(F) JUVENILE COURT SCHEDULING

- 1) All scheduling shall be done by Court staff. Specific dates for hearing may be requested, efforts to accommodate such requests shall be made contingent upon availability.
- 2) The Court shall set fact finding hearings or evidentiary hearings in first and second settings. If a matter is set for hearing and is resolved before the evidentiary hearing, the parties shall notify the Court and all witnesses, probation officers or caseworkers that the matter has been resolved. Any "second setting" shall be prepared proceed to evidentiary hearing with notice of seven (7) days prior to the scheduled setting. All parties shall be responsible for determining the order of cases and shall be prepared to try their cases on the dates scheduled.

(G) JUVENILE COURT ADDITIONAL PROCEDURES, FACT FINDING OR OTHER EVIDENTIARY HEARINGS

- 1) A writ of attachment for an absent witness shall not be issued unless the party calling said witness files an affidavit showing:
- 2) The materiality of the testimony of the witness;
- 3) The expected testimony of the witness; and
- 4) Certification that the absent witness was served with process more than three (3) days earlier or that for good and sufficient cause the witness was served with process less than three (3) days earlier.
- 5) Only one attorney for each party shall examine or cross-examine a witness, except by permission of the Court.
- 6). No person shall withdraw any original pleading, paper, record, model, exhibit or other document from the custody of the Clerk or other officer of the Court having custody thereof, except upon order of the Court and upon leaving a proper receipt with the Clerk or other officer.
- 7) Counsel for a party shall be responsible for preparing and filing summons, citations, notices or other documents for which forms may be obtained from the Clerk of the Court. These forms shall include any names, addresses and other descriptive information, such as place of employment, necessary to effect service of said document.
- 8) CASA's, foster parents, school personnel, Lifeline staff, institutional placement staff and any others the Court may determine will be invited by the Court to give reports and testimony as to a minor at dispositional, progress report, placement review or other hearing where such testimony is admissible under the law.

(H) JUVENILE COURT RULES OF COURTS OF GENERAL JURISDICTION

The Rules of Court promulgated by the Courts of General Jurisdiction are applicable to Juvenile Court unless negated by statute or Juvenile Court Rule.

The foregoing rules shall be in full force and effect until otherwise amended. All inconsistent rules of any of these Courts are hereby revoked.